

GENERAL ACCOUNT AND CLOSED SESSION MINUTES
Monday, September 16, 2002

At its regularly meeting of Monday, September 16, 2002, at 8:47 p.m., upon a motion by Commissioner Huffman, and unanimously carried, the Board agreed to go into Closed Session, in accordance with North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Acknowledgement: Owner - Robert T. Mauser, Charlotte E. Mauser and Sarah K. Mauser; composed of all or a portion of parcels bearing identification numbers 3618-04-61-3932 and 3618-04-80-8492; and located in the vicinity of the existing Blackburn Landfill and its intended use is for solid waste landfill and related activities.

Present were Chairman W. Steve Ikerd, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and Dan A. Hunsucker. Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, and County Clerk Thelda B. Rhoney. Utilities and Engineering Director Barry B. Edwards was invited to attend the closed session.

Mauser Property

Commissioner Hunsucker reported that he and Mr. Mauser had met again to discuss the Mauser property. Mr. Mauser indicated he is willing to sell his property and that he is interested in pursuing a property exchange or similar transaction. He specifically indicated that he is interested in a beach house and wants the County to structure the transaction such that he receives replacement property as a part of his compensation. Further, the Mausers wish the County to agree to the following:

1. Access to certain fields and pastures until such time as that land is needed by the County;
2. The right to cut certain Poplar timber;
3. Move the proposed property acquisition line to allow him to retain a small portion of his property upon which is located a rental house;
4. Cooperation from the County to move a potato house located on the property to a more suitable location; and
5. Payment over a period of time to be agreed upon by the County and the Mausers, with interest paid on the declining balance.

Mr. Mauser understands that his use of the property can continue only so long as allowed by the County. Further, he understands the County will immediately begin testing the property and he does not oppose that.

County Attorney Eades reviewed the context of this proposal, specifically referring to the ongoing CDM alternative sites study - which will be presented to the Board at its retreat on November 15th and the upcoming public hearing regarding alternative sites. He noted the advantages offered by a willing seller as opposed to a condemnation procedure and also advised the Board as to the Board's ability to consider the availability of the property when comparing it to alternative sites. He briefly discussed with the Board the process by which a property exchange could be accomplished and other matters which need to be addressed in any agreement with the Mauser family.

The Board instructed County Attorney Eades to draft an Agreement with Mr. Mauser which will be contingent upon the County's determination the property is suitable for a landfill and which incorporates the matters noted above which had been discussed by Commissioner Hunsucker and Mr. Mauser.

At 9:20 p.m., the Board returned to regular session, and there being no further business adjourned.

W. Steve Ikerd, Chairman

Thelda B. Rhoney, County Clerk